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Tachio Ono

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EXAMINER

BEMBEN, RICHARD M

ART UNIT

PAPER NUMBER

2622

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/500,803	Applicant(s) ONO, TACHIO	
	Examiner RICHARD M. BEMBEN	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-15 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-15 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 16 October 2008 have been fully considered but they are not persuasive.

2. Applicant traverses the rejection of claim 11 under 35 USC 102(e) as being anticipated by US Patent No. 7,369,875 issued to Kuba arguing that Kuba does not "disclose or suggest whether an external apparatus is capable of accessing a removable storage medium". Applicant's specification gives very little guidance on how control unit determines whether an external apparatus is capable of accessing the removable storage medium. Page 10, lines 13-23 and page 12, line 27 - page 13, line 10 disclose judging whether an external apparatus is capable of accessing the memory: (1) a predetermined command is received by the interface, (2) a control unit judges that the apparatus is capable of accessing the memory. There is no description of what the command is or how it is judged.

As acknowledged by the Applicant, Kubo discloses an apparatus that communicates with various external devices to transmit photographic image data. It is also undisputed that Kubo discloses determining whether an external device is connected to one of the various ports/interfaces in the image data supplying apparatus (i.e. electronic camera 1). Specifically, the electronic camera 1 has serial connectors 43 and 44, which can connect to various devices either by wired connection or wirelessly. Once connected, it is inherent that one such device sends a command, such as a request to begin communication, request to access specific memory locations, request

Art Unit: 2622

for data, etc. which is received by electronic camera 1 and judged as either a valid or invalid request. This type of communication is inherent and necessary for communication between electronic devices. Therefore, since there is no guidance in Applicant's specification as to what the "predetermined command" is or how it is judged, the inherent communication just described satisfy this requirement.

3. For the reasons set forth above, the rejections set forth in non-final Office Action dated 16 June 2008 are maintained and repeated below.

4. In the event that the Applicant is unsatisfied with the reasons set forth above, an alternative prior art rejection is offered based on Applicant's submission of the IDS filed 16 October 2008.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 11, 12, 15 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 7,369,875 (issued to Kuba).

Regarding **claim 11**, Kuba discloses a storage apparatus comprising:

a first interface unit for connection to a first external apparatus (*refer to Figure 1, "communication interface 42"*), said first interface unit having a first port (*refer to Figure 1, "serial connector 43"*) to which the first external apparatus ("*PCD 3*" or "*PHS 4*") is connectable and disconnectable and through which said first interface unit connects to the first external apparatus (*refer to c. 4, ll. 44-59, c. 5, ll. 29-67, and Figure 1; note: "communication interface 42 and the UART 25 share the function of the data communication" - c. 6, ll. 63-65*);

a second interface unit for connection to a second external apparatus (*refer to Figure 1, "±12-v converter 26"*), said second interface unit having a second port (*refer to Figure 1, "serial connector 44"*) to which the second external apparatus ("*personal computer 5*" or "*modem 6*") is connectable and disconnectable and through which said second interface unit connects to the second external apparatus (*refer to c. 4, ll. 44-59, c. 5, ll. 29-40, c. 6, ll. 1-11, and Figure 1*);

a third interface unit for connection to a removable storage medium (*refer to c. 5, ll. 11-13 and Figure 1, "memory card interface 28"*); and

a control unit that controls the first port and the second port (*refer to c. 5, l. 19 – c. 6, ll. 11 and Figure 1, "UART 25" and "UART switch 41"*); and

wherein if said first interface unit detects that the first external apparatus is connected to the first port, said control unit determines whether the first external apparatus is capable of accessing the removable storage medium connected to said third interface unit (*refer to c. 5, ll. 41-67, c. 7, ll. 38-60, Figure 3, "S2", and Figure 4*),

wherein if said second interface unit detects that the second external apparatus is connected to the second port, said control unit determines whether the second external apparatus is capable of accessing the removable storage medium connected to said third interface unit (*refer to c. 6, ll. 1-11, c. 8, ll. 1-19, and Figure 2, "S3-"S10"*),

wherein said control unit sets the second port in a disabled state responsive to a determination that the first external apparatus connected to the first port is capable of accessing the removable storage medium connected to said third interface unit (*refer to c. 5, ll. 54-67 and c. 7, ll. 39-60*); and

wherein said control unit sets the first port in the disabled state responsive to a determination that the second external apparatus connected to the second port is capable of accessing the removable storage medium connected to said third interface unit (*refer to c. 6, ll. 1-11 and c. 8, ll. 1-19*).

Please also refer to **Response to Arguments** above.

Regarding **claim 12**, refer to the rejection of claim 11 and Kuba further discloses that if the first port is set in the disabled state, the first port can not electrically connect to the first external apparatus (*refer to c. 6, ll. 1-11 and c. 8, ll. 1-19: "UART switch 41" electrically connects "serial connector 44", i.e. second port*), and

wherein if the second port is set in the disabled state, the second port can not electrically connect to the second external apparatus (*refer to c. 5, ll. 54-67 and c. 7, ll. 39-60: "UART switch 41" electrically connects "serial connector 43", i.e. first port*).

Art Unit: 2622

Regarding **claim 15**, refer to the rejection of claim 11 and Kuba further discloses that the storage apparatus is a digital video camera (*refer to c. 4, ll. 40-49, c. 4, l. 60 - c. 5, l. 18, c. 8, ll. 20-58, and Figure 1, "electronic camera 1"*).

Regarding **claim 21**, refer to the rejection of claim 11 and Kuba further discloses that if said first interface unit receives a predetermined command from the first external apparatus, said control unit determines that the first external apparatus is capable of accessing the removable storage medium connected to said third interface unit (*refer to c. 5, ll. 35-50, c. 6, ll. 20-57, and c. 8, ll. 38-67*), and

wherein if said second interface unit receives a predetermined command from the second external apparatus, said control unit determines that the second external apparatus is capable of accessing the removable storage medium connected to said third interface unit (*refer to c. 6, l. 58 - c. 7, l. 16*).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuba in view of US Pub. No. 2002/0149677 (filed by Wright).

Regarding **claim 13**, Kuba discloses a storage apparatus comprising a first interface unit having a first port (*refer to the rejection of claim 1*). Kuba further discloses

Art Unit: 2622

that the first interface unit and first port are serial type (refer to c. 5, ll. 29-40). However, Kuba does not disclose that the first interface unit conforms to an IEEE 1394-1995 or an IEEEa-2000 standard.

Wright discloses a storage apparatus (camera) comprising plural ports, one such port supporting Firewire, i.e. IEEE 1394-1995 (*refer to [0035]*). Therefore, it would have been obvious that the first interface unit conform to IEEE 1394-1995 as disclosed by Wright in the storage apparatus disclosed by Kuba because IEEE 1394-1995 is a common input/output port/standard (*refer to Wright [0035]*).

Regarding **claim 14**, Kuba discloses a storage apparatus comprising a second interface unit having a second port (refer to the rejection of claim 1). Kuba further discloses that the second interface unit and second port are serial type (refer to c. 5, ll. 29-40). However, Kuba does not disclose that the first interface unit conforms to an USB 1.1 or a USB 2.0 standard.

Wright discloses a storage apparatus (camera) comprising plural ports, one such port supporting USB (*refer to [0035]*). Therefore, it would have been obvious that the first interface unit conform to a USB standard as disclosed by Wright in the storage apparatus disclosed by Kuba because USB is a common input/output port/standard (*refer to Wright [0035]*).

Alternative Rejection Prompted By Applicant's Submission of IDS

Claim Rejections - 35 USC § 103

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claims 11, 12, 15 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,369,875 (issued to Kuba) in view of US Patent No. 4,236,209 (issued to Lombardo et al., hereinafter "Lombardo").

Regarding **claim 11**, Kuba discloses a storage apparatus comprising:

a first interface unit for connection to a first external apparatus (*refer to Figure 1, "communication interface 42"*), said first interface unit having a first port (*refer to Figure 1, "serial connector 43"*) to which the first external apparatus ("*PCD 3*" or "*PHS 4*") is connectable and disconnectable and through which said first interface unit connects to the first external apparatus (*refer to c. 4, ll. 44-59, c. 5, ll. 29-67, and Figure 1; note: "communication interface 42 and the UART 25 share the function of the data communication" - c. 6, ll. 63-65*);

a second interface unit for connection to a second external apparatus (*refer to Figure 1, "±12-v converter 26"*), said second interface unit having a second port (*refer to Figure 1, "serial connector 44"*) to which the second external apparatus ("*personal computer 5*" or "*modem 6*") is connectable and disconnectable and through which said second interface unit connects to the second external apparatus (*refer to c. 4, ll. 44-59, c. 5, ll. 29-40, c. 6, ll. 1-11, and Figure 1*);

a third interface unit for connection to a removable storage medium (*refer to c. 5, ll. 11-13 and Figure 1, "memory card interface 28"*); and

a control unit that controls the first port and the second port (*refer to c. 5, l. 19 – c. 6, ll. 11 and Figure 1, "UART 25" and "UART switch 41"*); and

wherein if said first interface unit detects that the first external apparatus is connected to the first port, said control unit determines whether the first external apparatus is capable of accessing the removable storage medium connected to said third interface unit (*refer to c. 5, ll. 41-67, c. 7, ll. 38-60, Figure 3, "S2", and Figure 4*),

wherein if said second interface unit detects that the second external apparatus is connected to the second port, said control unit determines whether the second external apparatus is capable of accessing the removable storage medium connected to said third interface unit (*refer to c. 6, ll. 1-11, c. 8, ll. 1-19, and Figure 2, "S3-"S10"*),

wherein said control unit sets the second port in a disabled state responsive to a determination that the first external apparatus connected to the first port is capable of accessing the removable storage medium connected to said third interface unit (*refer to c. 5, ll. 54-67 and c. 7, ll. 39-60*); and

wherein said control unit sets the first port in the disabled state responsive to a determination that the second external apparatus connected to the second port is capable of accessing the removable storage medium connected to said third interface unit (*refer to c. 6, ll. 1-11 and c. 8, ll. 1-19*).

However, Kubo does not explicitly disclose determining whether an external apparatus is capable of accessing a removable storage medium.

Lombardo discloses a system in which various electronic devices communicate with a memory wherein a device can send a command to the memory that it can access said memory and prevent other devices from accessing said memory (*refer to c. 16, l. 64 - c. 17, l. 19*). Clearly in this situation, a memory controller must judge the commands from various devices in order to determine whether a specific device can access the memory, i.e. another device isn't preventing access. Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to judge access to memory as disclosed by Lombardo in the apparatus disclosed by Kubo to prevent memory errors, such as memory modification by one device while memory read by another device.

Regarding **claim 12**, refer to the rejection of claim 11 and Kuba further discloses that if the first port is set in the disabled state, the first port can not electrically connect to the first external apparatus (*refer to c. 6, ll. 1-11 and c. 8, ll. 1-19: "UART switch 41" electrically connects "serial connector 44", i.e. second port*), and

wherein if the second port is set in the disabled state, the second port can not electrically connect to the second external apparatus (*refer to c. 5, ll. 54-67 and c. 7, ll. 39-60: "UART switch 41" electrically connects "serial connector 43", i.e. first port*).

Regarding **claim 15**, refer to the rejection of claim 11 and Kuba further discloses that the storage apparatus is a digital video camera (*refer to c. 4, ll. 40-49, c. 4, l. 60 - c. 5, l. 18, c. 8, ll. 20-58, and Figure 1, "electronic camera 1"*).

Regarding **claim 21**, refer to the rejection of claim 11 and Kuba further discloses that if said first interface unit receives a predetermined command from the first external

Art Unit: 2622

apparatus, said control unit determines that the first external apparatus is capable of accessing the removable storage medium connected to said third interface unit (*refer to c. 5, ll. 35-50, c. 6, ll. 20-57, and c. 8, ll. 38-67*), and

wherein if said second interface unit receives a predetermined command from the second external apparatus, said control unit determines that the second external apparatus is capable of accessing the removable storage medium connected to said third interface unit (*refer to c. 6, l. 58 - c. 7, l. 16*).

11. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuba in view of Lombardo in further view of US Pub. No. 2002/0149677 (filed by Wright).

Regarding **claim 13**, Kuba in view of Lombardo discloses a storage apparatus comprising a first interface unit having a first port (refer to the rejection of claim 1). Kuba further discloses that the first interface unit and first port are serial type (refer to c. 5, ll. 29-40). However, Kuba in view of Lombardo does not disclose that the first interface unit conforms to an IEEE 1394-1995 or an IEEEa-2000 standard.

Wright discloses a storage apparatus (camera) comprising plural ports, one such port supporting Firewire, i.e. IEEE 1394-1995 (*refer to [0035]*). Therefore, it would have been obvious that the first interface unit conform to IEEE 1394-1995 as disclosed by Wright in the storage apparatus disclosed by Kuba in view of Lombardo because IEEE 1394-1995 is a common input/output port/standard (*refer to Wright [0035]*).

Regarding **claim 14**, Kuba in view of Lombardo discloses a storage apparatus comprising a second interface unit having a second port (refer to the rejection of claim 1). Kuba further discloses that the second interface unit and second port are serial type (refer to c. 5, ll. 29-40). However, Kuba in view of Lombardo does not disclose that the first interface unit conforms to an USB 1.1 or a USB 2.0 standard.

Wright discloses a storage apparatus (camera) comprising plural ports, one such port supporting USB (*refer to [0035]*). Therefore, it would have been obvious that the first interface unit conform to a USB standard as disclosed by Wright in the storage apparatus disclosed by Kuba in view of Lombardo because USB is a common input/output port/standard (*refer to Wright [0035]*).

Conclusion

12. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 16 October 2008 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 2622

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RICHARD M. BEMBEN whose telephone number is (571)272-7634. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David L. Ometz/
Supervisory Patent Examiner, Art
Unit 2622

RMB